

Response dated February 28, 2006
Reply to Final Office Action of November 28, 2005

Application No. 09/891,331

REMARKS

The Final Office Action of November 28, 2005 has been reviewed and this amendment and RCE are Applicants response thereto. Claims 1-36 are pending in this application. Claim 36 is new. Claims 1-35 were rejected. In view of the Remarks provided below, Applicants believe all pending claims are in condition for allowance and respectfully request such action.

New Claims

Claim 36 is new. Support for new claim 36 is at least found in the specification as filed on pages 2-4 and in Figures 1 and 5 and the associated detailed description, thus no new matter has been added.

Amended Claims

Claims 1, 16, 22, 28 and 35 have been amended to clarify the flow of data to the mobile terminal. Support is found in the specification as filed on pages 2-4, thus no new matter has been added.

Rejection of the Claim – 35 U.S.C. §102(e)

Claims 1-15, 22-32 and 35 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication 2002/0151327 to Levitt (Levitt). Claims 1, 22, 28 and 35 are independent.

Claim 1 has been amended to recite “retrieving Electronic Program Guide data into said multimedia terminal” and “transferring said Electronic Program Guide data from said multimedia terminal to a mobile terminal.” Applicants have reviewed the portions of Levitt cited by the Office Action and have been unable to locate anything in Levitt that discloses such steps. Instead, Levitt discloses that the PDA accesses the Internet to obtain an EPG. Thus, Levitt contemplates that the PDA access the Internet either directly or through a modem or access point to obtain the EPG. Plainly, the system of Levitt would be more complex because data would need to be obtained from a third party via an Internet connection to the PDA, modified as desired by the user in the PDA, and then transferred to the multimedia terminal in a format understood by the multimedia terminal. Furthermore, Levitt fails to disclose a multimedia terminal that is used perform the combination of steps recited in claim 1.

In contrast, claim 1 recites “retrieving Electronic Program Guide data into said multimedia terminal” and “transferring said Electronic Program Guide data from said

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multimedia terminal to a mobile terminal." This combination of steps cannot be fairly said to be disclosed by Levitt. Therefore, as Levitt fails to disclose at least one feature of claim 1, Levitt cannot be said to anticipate claim 1.

Claims 2-15 and 32 depend from claim 1 and are not anticipated by Levitt for at least the reasons discussed above with respect to claim 1 and for the additional limitations recited therein. For example, claim 32 recites "wherein the additional step of transferring said Electronic Program Guide data from said mobile terminal to a second mobile terminal comprises a Short Message Service" and while the Office Action has suggested that paragraph 18 discloses Short Message Service, Applicants have reviewed the cited portion of Levitt and have been unable to locate any such disclosure. As Levitt fails to disclose Short Message Service, for this additional reason Levitt cannot be said to anticipate claim 32.

Independent claim 22 has been amended to recite "receiving Electronic Program Guide data from said first multimedia terminal by means of said communication device" and "editing said Electronic Program Guide data received from said first multimedia terminal." As noted above, claim 22 has been amended to clarify its intended scope in a manner similar to claim 1. Accordingly, as discussed above with respect to claim 1, Levitt cannot be fairly said to disclose all the features of claim 22. Therefore, Levitt fails to anticipate claim 22.

Claims 23-27 depend from independent claim 22 and are not anticipated for at least the reasons discussed with respect to claim 22 and for the additional limitations recited therein.

Independent claim 28 has been amended to recite the features "receiving Electronic Program Guide data from a first multimedia terminal" and "editing said Electronic Program Guide data received from said first multimedia terminal by means of said mobile terminal." For the reasons discussed above with respect to claim 1, Levitt fails to disclose these features. As Levitt fails to disclose all the features of claim 28, Levitt cannot be said to anticipate claim 28.

Claims 29-31 depend from independent claim 28 and are not anticipated for at least the reasons discussed above with respect to claim 28 and for the additional limitations recited therein.

Independent claim 35 has been amended to recite "said mobile terminal is arranged to edit said Electronic Program Guide data transmitted from said first multimedia terminal and to transmit the edited Electronic Program Guide data from said mobile terminal to a second

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multimedia terminal." For reasons similar to the reasons discussed above with respect to independent claim 1, Levitt fails to anticipate claim 35.

Accordingly, withdrawal of this ground of rejection is respectfully requested.

Rejection of the Claim – 35 U.S.C. § 103(a)

Claims 16-21 and 33-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication 2002/0059642 to Russ *et al.* (Russ) in view of Levitt.

Claim 16 has been amended to recite "transmit said first Electronic Program Guide data from said multimedia terminal to said mobile terminal via said communication device." The Office Action admits that Russ fails to disclose such a feature but suggests that Levitt corrects this deficiency. However, Levitt discloses a PDA receiving EPG data from the Internet and does not mention receiving EPG data from the multimedia terminal as recited in claim 16. Thus, Levitt fails to disclose, suggest or teach all the features of claim 16. Accordingly, the combination of Russ and Levitt fails to disclose, suggest or teach all the features of claim 16. Therefore, the combination of Russ and Levitt fail to support a prima facie case of obviousness. Therefore, claim 16 is patentable over the combination of Russ and Levitt.

Claims 17-21 depend from independent claim 16 and are nonobvious over the combination of Russ and Levitt for at least the reasons discussed above and for the additional limitations recited therein.

Claims 33-34 depend from independent claim 16. The Office Action admits that Russ does not correct the deficiency in Levitt noted above with respect to claim 16, thus the combination of Russ and Levitt does not render claims 33-34 obvious for the reasons discussed above with respect to why Levitt fails to disclose, suggest or teach at least one feature of claim 16.

Accordingly, withdrawal of this ground of rejection is respectfully requested.

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As all rejections have been addressed, Applicants respectfully submit that the pending application is in condition for allowance. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,

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Date: February 28, 2006